

**REMARKS**

At the outset, Applicant wishes to thank Examiner Elisca for the courtesies extended to Applicant's representatives during their March 9, 2006 telephone interview. The substance of the interview is incorporated in the following remarks.

**Summary of the Office Action**

In the Office Action, claims 1-3, 5, 6, 19, 20, and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,023,684 to *Pearson*.

Claims 4, 7-18, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pearson*.

**Summary of the Response to the Office Action**

Applicant respectfully requests careful reconsideration of the pending application. Accordingly, claims 1-22 are pending for further consideration.

**All Subject Matter Complies with 35 U.S.C. § 102(b)**

Claims 1-3, 5, 6, 19, 20, and 22 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Pearson*. Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that the Office Action has not established that *Pearson* anticipates each and every feature of Applicant's claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Namely, Applicant contends that independent claim 1 recites the features of "(a) receiving incoming stochastic data records from any of a plurality of disparate systems relating to any of: (i) financial transactions, (ii) financial instruments, (iii) financial institutions, (iv) customers, and (v) financial transaction counterparties; (b) converting the incoming stochastic data records into a common data format substantially in real time; (c) consolidating the converted stochastic data records by

storing the data records on a consolidated database in conformance with a predefined industry standard,” are not disclosed or taught by *Pearson*.

During Applicant’s telephone interview, the Examiner stated that the present invention merely claims a method of data conversion. Applicant respectfully disagrees. The present invention claims a sophisticated method of processing financial information of all kinds, in real time. *Pearson*, on the other hand, discloses an open database compliant standard network that allows only customer access to records maintained on financial institution account systems, and more particularly, to systems for interfacing client programs over an open network to legacy databases in financial institution computer systems. See *Pearson* at col. 1, lines 5-10. *Pearson* teaches that numerous customers may access their own financial accounts via the internet through either a thin or fat client application at near real-time speed even though their accounts are stored in legacy databases. Overcoming the speed and request volume limitations inherent in legacy databases, *Pearson* teaches adding a local data memory coupled to an application service. “The local data memory coupled to the application service provides a repository for all of the user’s data retrieved from one or more legacy databases coupled to [the] application service through the host interface.” See *Pearson* at col. 4, lines 19-22. Thus, “the data in the local data memory is used to process client requests without requiring real-time responses from the legacy data base.” See *Pearson* at col. 4, lines 28-30.

The Office Action states that *Pearson* discloses that “the client interface communicates data messages between a client program and the financial transaction.” See *Pearson* at Abstract, lines 4-6 and col. 4, lines 5-7. This statement implies that the data messages generated from the client program of *Pearson* are the “incoming stochastic data records” from customers as recited in claim 1. This statement, however, ignores the

recitation of claim 1. Namely, *Pearson* discloses that a customer may query a financial computer system, but *Pearson* fails to teach or suggest that a financial computer system may receive “incoming stochastic data records from any of a plurality of disparate systems relating to any of: (i) financial transactions, (ii) financial instruments, (iii) financial institutions, (iv) customers, and (v) financial transaction counterparties,” as recited in claim 1. In fact, *Pearson* does not disclose receiving incoming stochastic (random) data records from any financial institutions or any other disparate system. *Pearson* only receives incoming data from bank customers. Because *Pearson* does not disclose any disparate system at all such as those recited above, it cannot anticipate the invention recited in claim 1.

Assuming that the Office Action interpretation of *Pearson*’s client interface comports with the present claim 1 recitation of receiving incoming stochastic data records from any of a plurality of disparate systems (which Applicant does not agree it does), Applicant respectfully submits that the Office Action further cannot establish that *Pearson* anticipates each and every feature of independent claim one because it does not recite the features of “consolidating the converted stochastic data records by storing the data records on a consolidated database in conformance with a predefined industry standard.” At least these features are not disclosed or taught by *Pearson*.

The specification discloses that “consolidation” is a 1) process of grouping accounts for access and aggregation by certain criterion; 2) creating a composite of market data that pertains to each financial instrument from data that originates from multiple sources; and 3) creating a composite of data pertaining to the same criterion. See page 3, lines 13-23 of the specification.

Contrary to the Office Action, *Pearson* does not disclose a system that consolidates “incoming stochastic data records” as claimed and described in the present invention. The

citation to lines 13-23 in the Abstract of *Pearson*, does not remotely resemble the step of consolidating as described in the present invention. In fact, the citation refers to response data that is generated when the “application service queries the host system through the host interface for the user’s data records” i.e., the response data is first initiated by a client request from a client program. The response data is then stored in the local data memory or is used to update data from another legacy database in the bank’s system. See col. 4, lines 24-43 of *Pearson*.

Contrary to the suggestion in the Office Action, *Pearson* does not teach or suggest “consolidating” data messages i.e., “incoming stochastic data records” from other client programs “by storing the data records on a consolidated database in conformance with a predefined industry standard,” as recited in claim 1. *Pearson* does not teach or suggest that data messages from other client programs are in any way consolidated. This makes sense because why would bank customer A want to have his query (data message) about his account consolidated with customer B’s query about her own account. Such a result makes no sense and is not supported in *Pearson*.

Applicant respectfully submits that merely querying a database by sending a data message to generate and store response data as described in *Pearson*, is not the same thing as “grouping accounts for access and aggregation by certain criterion;” nor is it related to “creating a composite of market data that pertains to each financial instrument from data that originates from multiple sources;” nor is it the same thing as “creating a composite of data pertaining to the same criterion.” See the specification at page 3, lines 13-23. Therefore, the generation and storage of response data cannot be considered to be remotely related to or be considered anticipatory of the claimed consolidating step. Applicant respectfully submits that

because *Pearson* does not disclose, teach, or suggest the above-mentioned features, it cannot anticipate the invention recited in claim 1.

Applicant respectfully submits that the Office Action has erroneously selected components of the bank's computer system described in *Pearson*, and asserted that these components perform the method steps recited in claim 1, when in fact they cannot.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(e) should be withdrawn because *Pearson* does not teach or suggest each feature of independent claim 1.

Additionally, Applicant respectfully submits that dependent claims 2, 3, 5, 6, 19, 20, and 22 are also allowable insofar as they recite the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.

**All Subject Matter Complies with 35 U.S.C. § 103(a)**

Claims 4, 7-18, and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Pearson*. Applicant respectfully traverses the rejection for the following reasons.

Applicant respectfully submits that independent claim 1 includes the features of "receiving incoming stochastic data records from any of a plurality of disparate systems relating to any of: (i) financial transactions, (ii) financial instruments, (iii) financial institutions, (iv) customers, and (v) financial transaction counterparties," and the features of "consolidating the converted stochastic data records by storing the data records on a consolidated database in conformance with a predefined industry standard." At least these

features are absent from, and are neither disclosed nor taught, alone or in combination, by *Pearson*.

To establish a *prima facie* case of obviousness, three basic criteria must be met (see MPEP §§ 2142-2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations.

The prior art reference, and not the Applicant's disclosure must teach or suggest all the claim features. As previously discussed, *Pearson* does not disclose disparate systems from which it may receive stochastic data records and it consequently it cannot "consolidat[e] the converted stochastic data records by storing the data records on a consolidated database in conformance with a predefined industry standard," because of the precise definition of consolidating described in the specification. See page 3, lines 13-23 of the specification. Therefore, since *Pearson* does not expressly or impliedly teach or suggest at least the above-mentioned features as previously demonstrated, the Applicant respectfully asserts that the Office Action relies on Applicant's disclosure, and not the cited reference, in concluding that the invention as claimed would be obvious.

As pointed out in M.P.E.P. § 2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art". *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicant respectfully asserts that the third prong of *prima facie* obviousness has not been met. Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Pearson* does not teach or suggest each and every feature of independent claim 1.

Additionally, Applicant respectfully submits that dependent claims 4, 7-18, and 21 are also allowable insofar as they recite the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.



Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 3200

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is requested to contact the Applicant's undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: Mary Jane Boswell  
Mary Jane Boswell  
Reg. No. 33,652

Dated: March 14, 2006

**CUSTOMER NO.: 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-739-3000  
Fax: 202-739-3100

RECEIVED  
MAR 21 2006  
GROUP 3600